

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MELVIN STEVENSON, JR.,

Plaintiff,

v.

ELITE STAFFING, INC.,

Defendant.

Case No. 21-CV-1072-JPS

ORDER

On September 21, 2022, the Court issued an order on Defendant's motion for summary judgment. ECF No. 71. That order dismissed all of Plaintiff's remaining claims with prejudice. *Id.* The same day, the Court entered judgment dismissing the action with prejudice. ECF No. 72. On October 20, 2022, Plaintiff filed a Federal Rule of Civil Procedure 59(e) motion to alter or amend judgment. ECF No. 73. On December 19, 2022, the Court denied the motion, after construing it as a Rule 60(b) motion in line with Seventh Circuit precedent, because it was filed after the 28-day deadline set by Rule 59(e). ECF No. 76.

On December 27, 2022 and December 28, 2022, Plaintiff filed two motions to "correct dates and time." ECF Nos. 77, 78. Therein, Plaintiff requests that the Court reconsider its holding that the Rule 59(e) motion was untimely because of the intervening Columbus Day holiday on October 10, 2022. *Id.*

As the Court previously explained, it has no discretion over the timeliness of a Rule 59(e) motion and may not extend the deadline. Fed. R. Civ. P. 6(b)(2). The Federal Rules of Civil Procedure and applicable case law expressly instruct that weekends and legal holidays be included in the

deadline computation. Fed. R. Civ. P. 6(a)(1)(B); *see also Eslick v. Wells Fargo Bank, N.A.*, No. 3:13-CV-740 JVB-CAN, 2014 WL 1207528, at *1 (N.D. Ind. Mar. 21, 2014) (“A motion to alter or amend the judgment under Rule 59(e) must be filed no later than twenty-eight days after the entry of judgment. The statutory deadline cannot be extended by the court. Furthermore, when computing the deadline, every day is counted, ‘including intermediate Saturdays, Sundays, and legal holidays.’”) (quoting Fed. R. Civ. P. 6(a)(1)(B)) (internal citations omitted).

Accordingly,

IT IS ORDERED that Plaintiff Melvin Stevenson, Jr.’s motions to correct dates and time, ECF Nos. 77, 78, be and the same are hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 29th day of December, 2022.

BY THE COURT:



J. P. Stadtmauer
U.S. District Judge

A handwritten signature in blue ink, appearing to read "J. P. Stadtmauer", is written over a horizontal line. Below the signature, the name "J. P. Stadtmauer" is typed in black text, followed by "U.S. District Judge" in smaller black text.